

DISCUSSION OF THE AMENDMENT

The amendments to the specification were made to clarify the description of the preferred embodiments. Support for the amendment is found on page 21, lines 7-14 of the specification.

REMARKS/ARGUMENTS

Claims 1-106 are currently pending with Claims 1-58 under active consideration.

Claims 59-106 are withdrawn from active consideration.

Claims 1-58 are directed to a method of manufacturing a toner for electrophotography. Within Claims 1-58, Claims 1, 15, 29 and 43 are independent with the remaining claims dependent thereon. One method step limitation common to the method claims is that a toner particle comprising a resin and a coloring agent is formed by emulsification or aggregation in an aqueous medium in the presence of a first surface active agent and then adding a second surface active agent with a polarity opposite to the first surface active agent. The second surface active agent is added, in part, to eliminate the influence of the remaining first surface active agent. None of the cited references teach or suggest this method step limitation of the claimed method for manufacturing a toner for electrophotography.

The rejection of Claims 1-28 under 35 U.S.C. §103(a) over the combination of Yamashita (U.S. 5,368,972); Cheng (U.S. 6,475,691); Muto (U.S. 5,429,901) and Ohmura (U.S. 6,753,122) is respectfully traversed.

Yamashita describes a process of fixing wax or a releasing agent onto a matrix organic resin particle by using an ionic surface active agent with a polarity opposite to that of a polar group on the matrix organic resin particle (column 2, lines 43-51). The ionic surface active agent neutralizes the surface charge of the matrix resin particle so that the wax or releasing agent fixes onto the matrix resin particle (column 10, lines 41-60). In the presently claimed method, the second surface active agent is added after the formation of the toner particles and has a charge that is opposite to that of the first surface active agent used at the time of the toner particle formation. This does not necessarily mean that the second surface

active agent has a polarity opposite to that of a polar group of a binder resin for the toner as the Examiner has concluded.

Overall, Yamashita fails to teach or suggest the step of forming a toner particle in an aqueous medium in the presence of a first surface active agent and then adding a second surface active agent with a polarity opposite to the first surface active agent.

The secondary references cited by the Examiner also fail to teach or suggest all the claim limitations of the claimed method. Cheng describes a process for preparing a toner and describes adding various ionic surfactants in the process. However, these surfactants are added before the formation of the toner particle (column 6, lines 10-35). The Examiner notes that chain transfer agents can reduce the number of polar groups bound to the surface of the resin particle; however, this polymerization process step is quite different than the step described above for the claimed method which does not involve formation of the polymer resin composition itself.

Muto describes a toner for use in electrostatic development. Muto describes adding fluorine-containing quaternary ammonium salts to react with anionic groups on the resin particle surface (column 12, lines 32-65). However, Muto fails to teach or discuss the method step limitation for the claimed method as discussed above.

Ohmura describes a process for forming a toner. The process involves forming the toner resin by polymerization in the presence of surface active agents. However, Ohmura fails to teach or suggest the method step limitation for the claimed method as discussed above.

Overall, the combination of Yamashita, Cheng, Muto and Ohmura fails to teach or suggest a method step where a toner particle comprising a resin and a coloring agent is formed by emulsification or aggregation in an aqueous medium in the presence of a first surface active agent and then adding a second surface active agent with a polarity opposite to

the first surface active agent. Because the combination of these references fail to teach or suggest all the claim limitations of the claimed method, the claimed method would not have been obvious over the combination of the cited references. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. §103(a) over Yamashita, Cheng, Muto and Ohmura.

The rejection of Claims 29-58 under 35 U.S.C. §103(a) over the combination of Yamashita, Cheng, Muto and Emoto (U.S. 6,824,945) is respectfully traversed.

Emoto describes a process for producing a toner but fails to suggest the method steps discussed above. Therefore, Emoto, in combination with the cited references, also fails to teach or suggest all the claim limitations of the claimed method as discussed above.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. §103(a) over the combination of Yamashita, Cheng, Muto and Emoto.

The Examiner has provisionally rejected Claims 1-58 under the judicially created doctrine of obviousness-type double patenting over Claims 1-4 of copending Application No. 10/876,718. Applicants respectfully request that the provisional rejection for obviousness-type double patenting be held in abeyance. U.S. 10/876,718 is not a patent, and therefore, the claims issuing therefrom are not certain. If the provisional rejection is the only remaining rejection, the Examiner should withdraw the rejection and permit the present application to issue (M.P.E.P. §804 I.B.).

The Examiner has provisionally rejected Claims 1-58 under the judicially created doctrine of obviousness-type double patenting over Claims 1-12 of copending Application No. 10/871,580. Applicants respectfully request that the provisional rejection for obviousness-type double patenting be held in abeyance. U.S. 10/871,580 is not a patent, and therefore, the claims issuing therefrom are not certain. If the provisional rejection is the only


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remaining rejection, the Examiner should withdraw the rejection and permit the present application to issue (M.P.E.P. §804 I.B.).

In light of the above remarks contained herein, Applicants respectfully submit that the present application is now in condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,

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